IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 7426 of 2005

Between:

Maneesh Kumar, S/o. Heera Singh,
Shivam Wines, at 2-2-647/1/A/1/1, Shivam Road,

New Nallakunta, Hyderabad.

..... PETITIONER

AND

1 The Commissioner of Excise & Prohibition of A.P.,

Hyderabad, Excise Office, Opp. Exhibition Grounds, Hyd.
2 The Excise Superintendent of Hyderabad District, Excise

Office, Opp. Exhibition Grounds, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of Mandamus by declaring the acts of Respondents demanding fresh lease deed for renewing the petitioners Shivam Wines, Hyderabad licence No. IL 76 for the period of 01-04-2005 to 30.06.2005 and for future renewals, is illegal arbitrary and against the principle of natural justice in view of violation of Rule 29 (3) (b) of A.P.I.L. & FL Rules 1970 and consequently direct the respondents to renew the petitioner shivam wines licence No.76 with the continuation of supply of stock.

Counsel for the Petitioner: MR.O.RAMESH

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

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The petitioner was granted IL 24 licence to run M/s.Shivam Wines for 2004-2005. The licence was to expire on 31.03.2005, but was extended by the Government till 30.06.2005. When the matter was coming up for renewal, the office of the Prohibition & Excise Inspector, Kachiguda (not made party) advised all the licensees to produce fresh lease deed for renewing the licence. Assailing the same, the present writ petition is filed.

According to the learned Assistant Government Pleader for Prohibition & Excise, the licence expires on 30.06.2005. Therefore, no interim order can be granted directing the authorities to continue supply of stock to the petitioner. It is also brought to the notice of this Court that for the year 2005-2006 the Government adopted the method of inviting tenders for granting licences and new licences are likely to be issued. In that view of the matter, the *prima facie* case and balance of convenience are not in favour of the petitioner.

In view of the above orders, nothing survives in the writ petition and the writ petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

28.06.2005

vs

To

1 The Commissioner of Excise & Prohibition of A.P.,

Hyderabad, Excise Office, Opp. Exhibition Grounds, Hyd.

2 The Excise Superintendent of Hyderabad District, Excise

Office, Opp. Exhibition Grounds, Hyderabad.

3 2 CCs to Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad. (OUT)

4 2 CD copies